



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

Mr. George Hartenstein, Director
Bureau of Environmental Cleanup and Brownfields
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street, 14th Floor
Harrisburg, Pennsylvania 17105-8471

JUL 30 2014

Dear Mr. Hartenstein:

On June 20, 2014, the Pennsylvania Department of Environmental Protection's (PADEP) Division of Storage Tanks and Site Remediation Division met with the Environmental Protection Agency (EPA) Office of State Programs to discuss the mid-year FY2014 grant accomplishments. EPA would like to thank PADEP for working toward the 2014 fiscal year (FY) grant commitments in both the prevention and cleanup programs. Although the number of inspections and cleanups done at mid-year 2014 are below the number of inspections and cleanups done at mid-year 2013, both EPA and PADEP believe the Commonwealth will be able to accomplish the FY2014 grant commitments.

In the first half of FY2014, facilities inspected had compliance rates of 89% for release detection (RD), 92% for release prevention (RP), and 82% for combined (RD + RP). As a result of the third-party program and the productivity of the PADEP inspection staff, a total of 1,261 inspections were conducted by mid-year 2014 with an inspection frequency of 3.19 years. Although this is about a 21% drop from the previous mid-year inspections and a 26% drop from the number of inspections done at mid-year 2012, the decrease in compliance evaluation inspections by third party inspectors can be explained, in part, by the unfavorable conditions for inspections this past winter season. Another reason the 3rd party inspection numbers were lower is because a lower number of regulated facilities were due for inspection than in previous periods. According to PADEP, the number of compliance evaluation inspections performed by PADEP staff at mid-year 2014 was higher than both MY2012 and MY2013. PADEP is confident that they will be able to meet their FY2014 grant commitment in this area and comply with the Energy Policy Act requirement to inspect all tanks at least at a three year frequency.

PADEP requested that EPA create a method of communicating inspection dates, potentially significant inspection findings, and enforcement issues for inspections conducted in the Commonwealth by EPA's Office of Land Enforcement (OLE) and Office of Enforcement, Compliance and Environmental Justice (OECEJ). EPA understands PADEP's concerns and is working to resolve the problem internally. For any inspection reports which are not completed and sent to the states within two weeks of the inspection date, OLE or OECEJ will send an email notification within two weeks of the inspection confirming the inspection occurred and any potentially significant issues observed during the inspection.



Similar to PADEP's LUST Prevention Program, the LUST Remediation Program has moved towards meeting their goals for FY2014 but is behind their previous mid-year numbers. At midyear FY2014, PADEP completed 132 cleanups compared to 236 in FY2013 and 188 in FY2012. In the third quarter of FY2014, PADEP completed 90 additional cleanups (229 total cleanups) which puts PADEP closer to meeting the FY2014 commitment of 339 cleanups complete. EPA believes that there is still a possibility that PADEP will meet the 2014 LUST cleanups completed goal.

EPA recognizes PADEP's assistance in the fund soundness review process which provided EPA with a wealth of information. With this information, EPA determined that the Underground Storage Tank Indemnification Fund remains sound for the purpose of meeting the financial responsibility requirements for federally regulated tanks. As discussed with your staff, the procedure for fund soundness reviews will change with the FY2014 review, streamlining the process.

I thank your office for its continued productivity in implementing the UST and LUST programs. If you have any questions regarding this letter, please contact Rick Rogers at (215) 814-5711 or at rogers.rick@epa.gov.

Sincerely,



John A. Armstead, Director
Land and Chemicals Division

cc: W. Harner, PADEP
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